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**Simpson, Newt**

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**From:** David A. Behar [david@eratesupportservices.com]  
**Sent:** Saturday, March 23, 2013 11:19 AM  
**To:** Simpson, Newt  
**Subject:** 2013 E-Rate Funding

I am writing because USAC records seem to show that you are listed as the "authorized person" on a Form 470 posted fewer than 28 days before the Form 471 filing deadline of 3/14/2013. But here's the good news... even if your Form 470 was filed late, under certain circumstances it may still be possible to qualify for FY2013 E-Rate funding.

I've prepared and appended below Frequently Asked Questions about late-filed Form 470s, and I hope this information will be helpful. I will also endeavor to respond individually to any emails.

David A. Behar, M.B.A., M.S.E.  
E-Rate Support Services

E-Rate Support Services (ESS) is a professional services company which provides assistance to school districts, schools, libraries, and other E-Rate applicants. Qualified applicants are entitled to Universal Service Fund funding for eligible telephone, Internet, communications infrastructure, and maintenance costs.

General information is provided on a "best efforts" basis with the understanding that neither ESS nor the sender assumes liability for action taken or not taken in reliance on the information provided herein.

Our sincere objective is to inform, but if you'd prefer not to get email from us, just let us know. This message was sent from david@eratesupportservices.com by David A. Behar to Newt Simpson at newts@lmsd.net.

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**FORM 470 POSTED AFTER 2/14/2013**

2/26/2013: Form 470 #138640001132209, Applicant LA MARQUE INDEP SCHOOL DIST (BEN 141344)

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**FREQUENTLY ASKED QUESTIONS**

**Late filed FCC Form 470 (Description of Services Requested and Certification)**  
*for the 2013 Funding Year (for services to be provided 7/1/2013 – 6/30/2014)*

**Q. Do we need to file FCC Form 470?**

A. Every Funding Application (i.e., FCC Form 471) must refer to a properly filed Form 470; however, in certain circumstances you might not need to file Form 470 this year. For example, you might not need to file a new Form 470 if you are within the term of a continuing multi-year contract, or a within the term of a contract with voluntary extensions, or in a situation where a "statewide" Form 470 has been filed.

Page three of the [Form 470 Instructions](#) describes who needs to file Form 470.

**Q. If a Form 470 is required, by when should it have been filed?**

A. The implied Form 470 filing deadline for FY2013 is February 14, 2013 – exactly 28 days before the March 14 funding application filing deadline. This is because a Form 470 must be posted at least 28 days before you make a service provider decision (and sign any necessary contracts), and you must make a service provider decision before you file the Form 471 funding application.

**Q. What should I do if a Form 470 was required, but I filed it later than February 14?**

A. The best course of action can depend on exactly when you filed Form 470.

**Q. What should I do if a Form 470 was required and I filed it after February 14, but not later than February 28?**

A. In this situation the best course of action is probably to wait at least 28 days after the Form 470 was posted, and then select a service provider (and sign any necessary contracts) not later than March 28. This is because in this situation the FCC has responded favorably to a properly filed Petition for Waiver when the applicant complies with the Form 470 28-day posting period and misses the Form 471 filing deadline by not more than 14 days. You would then file Form 471 online not later than 11:59 p.m. EDT on March 28, or you would mail Form 471 with a postmark date not later than March 28.

**Q. What should I do if a Form 470 was required and I filed it after February 28, but not later than March 3?**

A. This is a tricky situation, but the best course of action is probably to select a service provider (and sign any necessary contracts) precisely on March 28. You will then miss the Form 471 filing deadline by exactly 14 days, and you will fall short of the required 28-day Form 470 posting period by not more than three days.

Although the FCC has generally been strict about the 28-day Form 470 posting period, they have granted waivers where the applicant posted Form 470 at least 25 days before filing Form 471.

**Q. What should I do if a Form 470 was required, and I filed it after March 3?**

A. Based on previous FCC decisions, it might be impossible to secure a waiver grant if you miss the Form 471 filing deadline by more than 14 days. However, the FCC has issued waivers in this situation when certain very specific factors are present; these include illness or death of a staff member, death of a family member, or circumstances where the inability to file on time is truly due to factors beyond the applicant's control. When these factors are present, the FCC has sometimes been lenient with filers who miss the Form 471 filing deadline by not more than 30 days.

If Form 470 was filed not later than March 16, it's probably best to file Form 471 exactly 28 days after Form 470 was filed. If Form 470 was filed after March 16 but not later than March 19, it's probably best to file Form 471 precisely on April 13.

**Q. What should I do if I filed Form 471 too early?**

A. If you filed Form 471 too early, submit Form 471 again after the expiration of the required Form 470 posting period.

**Q. What should I do if I filed multiple Form 470s on different dates?**

A. If you filed multiple Form 470s on different dates, it may be wise to file more than one Form 471 funding application – in each case filing the funding application at the earliest possible date consistent with the 28-day (or with a waiver, possibly 25-day) Form 470 posting requirement.

Example: An applicant files a Form 470 for telephone service requirements on 2/21/2013, and files a second Form 470 for Internet service requirements on 3/7/2013. In this case the applicant should file a funding application for telephone service funding as soon as possible on or after 3/21/2013 – and in no event later than 3/28/2013 – as there is a good chance of getting an FCC waiver grant. The applicant may choose to file a separate Form 471 on 4/4/2013 for Internet service funding, but the FCC will likely grant a waiver for the second funding application only if very specific factors are present which led to the late filing.

**Q. Should I file Form 471 online, or on paper?**

A. You may file Form 471 online, or with the paper form via the post office (USPS), or with the paper form via a private express service (like FedEx).

If you file online, the filing date will be determined by the date in the Eastern Time zone at the instant you submit the form. If you file via USPS, the filing date will be determined by the postmark. If you file via a private express service, the filing date will be determined by appropriate documentation (e.g., an acceptance date appearing on a waybill).

Regardless of how you file Form 471, you should keep evidence of exactly when the form was submitted. If you file on paper, it's best to use a service which provides proof of delivery (e.g., certified mail).

**Q. How do I file a Petition for Waiver with the FCC?**

A. Visit USAC's [Appeals page](#), and look under the **Waiver Requests** heading.

**Q. I want to maximize my chances of getting E-Rate funding this year. Can I get help with the FCC petition process?**

A. If you would like to find out about getting help with submitting a Petition for Waiver to the FCC, please write to me at [david@eratesupportservices.com](mailto:david@eratesupportservices.com). (We've had good success in securing FCC waiver grants for applicants who missed E-Rate deadlines; in fact, we can help with all aspects of the E-Rate application and funding process.)

**Q. Is there anything else I can do to have the best possible chance of getting E-Rate funding?**

A. Yes... be sure to comply to the degree possible with all of the E-Rate filing rules. The application process for applicants is described at the [USAC Schools and Libraries website](#). Be especially careful to comply with the [Competitive Bidding](#) and [Selecting Service Providers](#) steps.

**Q. What if I have more questions?**

A. You can reach me via email at [david@eratesupportservices.com](mailto:david@eratesupportservices.com), and I'll respond as soon as possible. If you need an immediate answer to an E-Rate question, you might call USAC's Client Service Bureau at 888-203-8100

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